

REMARKS

Claims 1 to 6 are pending in this application. Claim 7 and 8 have been withdrawn. Claims 1 to 6 have been rejected under 35 U.S.C. § 102(b). Favorable reconsideration of the claims is requested in view of the within remarks.

1. Election/Restriction and Rejoinder Request

Responsive to the Examiner's requirement, Applicant has withdrawn non-elected claims 7 and 8. Applicant respectfully requests rejoinder of claims 7 and 8, if independent claim 1 is allowed.

2. Specification

Responsive to the Examiner's requirement, Applicant has amended the reference to its parent application in the first paragraph of the disclosure to recite that the application is now abandoned.

3. Rejection of Claims as Anticipated Under 35 USC §102(b)

The Examiner has rejected Claims 1-6 under 35 USC. §102(b) as anticipated by U.S. Patent No. 5,667,758 to Matsugi ("Matsugi"). The Examiner bases this rejection on the conclusion that Matsugi incorporates a heat pipe heat transfer device (9) on the exterior wall of his reaction vessel. In an effort to advance the prosecution of this application, Applicant has amended Claim 1 to recite the specific structure which distinguishes the claimed heat pipe from a conventional pipe which conveys heat as disclosed by Matsugi.

Applicant respectfully submits that the term "heat pipe" is a widely recognized term of art which is recognized by those skilled in the art to reference heat transfer devices which utilize the evaporation of a heat transfer fluid from a porous medium or wick affixed to a heat transfer surface to absorb heat. The term "heat pipe" is widely used in the technical literature to reference such devices, as illustrated in the following web pages:

1. www.aavidthermalloy.com/products/heatpipe/index.shtml
2. www.npowertek.com/what.html
3. www.cheresources.com/htpipes.shtml

The term heat pipe is also widely used in the title, specification and claims of numerous issued U.S. patents to identify the particular type of heat transfer device referenced in Applicant's claims and disclosure. Examples of this can be found in the titles and claims of U.S. Patent Nos. 4,582,125; 6,535,381; 6,571,683 and 6,647,625.

"Heat pipe" is specifically referenced in the definition of the devices covered by U.S. Class 165/104.26 and a search of this Class and Subclass finds hundreds of patents which reference "heat pipe" in their titles. Further, a search for patents assigned to U.S. Classification 165/104.26 which reference "heat pipe" in their claims, but which do not further describe the heat pipe by referencing the words wick or porous finds at least 161 patents.

Accordingly, the technical literature and past practice of the U.S. Patent Office clearly establish that heat pipe is a term of art which those skilled in the art understand to reference a particularly type of heat transfer device.

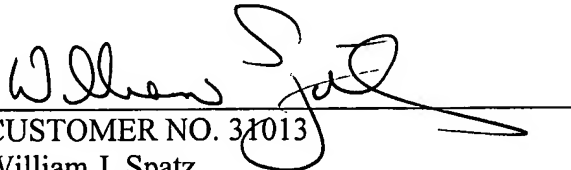
It is respectfully submitted that under the circumstances, the description of a heat pipe now incorporated into the claims by amendment clearly distinguishes the presently claimed invention from the cited prior art.

It is further submitted that the sealed heat pipes covered by Claims 2-6 of the application and the thermosyphon type heat pipes covered by claims 7 and 8 of the application are two well known varieties of heat pipe encompassed by independent Claim 1. Under the circumstances, upon the allowance of Claim 1, the restriction requirement should be withdrawn and Claims 7 and 8 rejoined in the application.

For the foregoing reasons, it is submitted that the presently pending claims are allowable and early issuance of a Notice of Allowability is requested.

No fee is believed to be necessary in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any fee required with respect to this Response to Deposit Account No. 50-0540. In the event that the Examining Attorney believes that there are any remaining issues which might possibly be resolved by a telephone interview, Applicants' attorney respectfully request the same. Applicants' attorney can be reached at the number provided below.

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